

Waste Management Acts, 1996 to 2008

NOTIFICATION OF A PROPOSED DECISION ON AN APPLICATION FOR A WASTE LICENCE
IN ACCORDANCE WITH SECTION 42(2) OF THE WASTE MANAGEMENT ACTS, 1996 TO 2008

In pursuance of the powers conferred on it by the above mentioned Acts, the Environmental Protection Agency (the Agency) proposes, under Section 40(1) of the said Acts, to determine the following waste licence application:

Waste Licence Register No: W0252-01
Applicant: BUCHPA Limited, 59 Avoca Park, Blackrock, County Dublin.
Facility: BUCHPA Limited, Kilmartin, Coynes Cross, Newcastle, County Wicklow.

The application was submitted by the applicant on 25/11/2008.

Proposed Decision: It is proposed, for the reasons hereinafter set out, to grant a waste licence to the above named applicant to carry on the following activities at the above named facility, subject to twelve Conditions:

Licensed waste recovery activities in accordance with the Fourth Schedule of the Waste Management Acts, 1996 to 2008:

Class 4.	Recycling or reclamation of other inorganic materials.
Class 13.	Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where such waste is produced.

The carrying on of the following activities is refused:

Refused waste recovery activities, in accordance with the Fourth Schedule of the Waste Management Acts, 1996 to 2008:

Class 2.	Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological processes): Reason: Class 4 adequately covers the use of inert soil and stone for infilling works.
Class 10.	The treatment of any waste on land with a consequential benefit for an agricultural activity or ecological system: Reason: Class 4 adequately covers the use of inert soil and stone for infilling works.
Class 11.	Use of waste obtained from any activity referred to in a preceding paragraph of this Schedule: Reason: Class 4 adequately covers the use of inert soil and stone for infilling works.

Proposed Licence: A copy of the proposed licence, including the reasons for the proposed decision, the proposed twelve Conditions and the reasons therefor and associated schedules attached thereto accompanies this notification. A copy of the proposed licence may also be obtained from the Environmental Protection Agency, P.O. Box 3000, Johnstown Castle Estate, County Wexford.



OBJECTIONS & ORAL HEARINGS

Any person may object to the proposed decision, in accordance with Section 42 of the Waste Management Acts, 1996 to 2008, at any time no later than 5 pm on **7th September 2009**. A person making an objection may also request an oral hearing of the objection, in accordance with Section 42 of the Acts, at any time no later than the date specified above. It is important to note that any objection to a proposed decision/request for an oral hearing must be **received by the Agency before the appropriate period expires**.

An objection/request for an oral hearing must be made on-line on the Agency's website at www.epa.ie or by sending the objection or request by prepaid post to the Agency, or by leaving the objection or request with an employee of the Agency at the principal offices of the Agency in Wexford during office hours, i.e. 9.00 a.m. to 5.00 p.m. Monday to Friday.

An objection against the proposed decision must state in full the grounds of the objection. An objection and a request for an oral hearing of an objection must each be accompanied by the appropriate fee and also comply with the other statutory requirements set out in the Waste Management Acts, 1996 to 2008 and the Waste Management (Licensing) Regulations, S.I. No. 395 of 2004. Extracts from the Acts and the Regulations accompany this notification. For the purposes of making an objection and/or a request for an oral hearing, the address of the principal office of the Agency is **P.O. Box 3000, Johnstown Castle Estate, County Wexford**.

In the event that;

- (a) no objection is taken against the proposed decision or
- (b) an objection or objections is or are taken against the proposed decision and the objection or objections is or are withdrawn,

the decision of the Agency will be in accordance with the proposed decision and will be issued as soon as may be after the appropriate period expires.

Signed on behalf of the Agency:
on the 11th day of August, 2009


Mary Turner, Authorised Person

re: Proposed Decisions of the Environmental Protection Agency in respect of Waste Licence applications

Fees for the making of Objections and Oral Hearing requests

Fees for making an Objection:

- Article 42 (1) A fee shall be paid to the Agency in respect of the making of an objection.
- (2) Subject to sub-article (3), the fee payable under sub-article (1) shall be the amount indicated in column (3) of Part II of the Second Schedule opposite the appropriate mention of objection in column (2) of the said Part of the Schedule.
- (3) Where an objection is made to the Agency by -
- (a) A local authority,
 - (b) A planning authority,
 - (c) A sanitary authority,
 - (d) The Central Fisheries Board,
 - (e) An Taisce - The National Trust for Ireland,
 - (f) Failte Ireland,
 - (g) In the case of an activity any part of which is situate within the functional area of the Shannon Free Airport Development Company Limited, that Company,
- a reduced fee shall be payable in respect of the said objection, in accordance with sub-article (2).

Fees for making a request for an Oral Hearing (payable *in addition to* the fee payable for making the associated objection)

- Article 44 (1) A fee shall be paid to the Agency in respect of a request for an oral hearing of an objection. (See table of fees below).
- (2) The fee payable under sub-article (1) shall be the amount indicated in column (3) of Part II of the Second Schedule opposite the mention of a request for an oral hearing in column (2) of the said Part of the Schedule.

Table of Fees for Objections and Requests for Oral Hearings

(1)	(2)	(3) Amount of fee (€)
Article 42	Objection by the applicant or licensee	€500
	Objection by an authority or body mentioned in Article 42(3)	€100
	Objection by any other person	€200
Article 44	Request for an oral hearing	€100

Making an Objection and requesting an Oral Hearing of an objection on a Proposed Decision of the Environmental Protection Agency on a Waste Licence Application.

Extracts from the relevant sections of the Waste Management Acts, 1996 to 2007.

Section

42(2)

Before making a decision under *Section 40* in respect of an application made to it for the grant of a waste licence, or under *Section 46(2)* in consequence of a review of a waste licence that has been conducted by it under that section, the Agency shall give notice in writing to—

- (a) the applicant or the holder of the licence, as the case may be,
- (b) any person who has made a written submission to it in relation to the application or the review, in accordance with regulations under this Part,
- (c) where relevant, the local authority in whose functional area the activity, the subject matter of the proposed waste licence or the waste licence, as the case may be, is intended to be, or is, carried on, and
- (d) such other persons as may be prescribed,

of the decision it proposes to make in respect of the application or in consequence of the review and, where the decision so notified is a decision to grant a waste licence or a revised waste licence, shall specify where a copy of the proposed licence or revised licence may be obtained.

42(3)

Any person may, subject to compliance with the requirements of any regulations under *Sections 45* and *50*, and at any time before the expiration of the appropriate period, make an objection to the Agency in relation to a decision referred to in *subsection (2)* that it proposes to make.

42(4)

An objection shall—

- (a) be made in writing,
- (b) state the name and address of the objector,
- (c) state the subject matter of the objection,
- (d) state in full the grounds of objection and the reasons, considerations and arguments on which they are based, and
- (e) be accompanied by such fee (if any) as may be payable in respect of the making of such objection in accordance with regulations under *Section 50*.

42(5)

- (a) An objection which does not comply with the requirements of *subsection (4)* shall be invalid.
- (b) The requirement of *subsection (4) (d)* shall apply whether or not the objector requests, or proposes to request, under *subsection (9)* an oral hearing of the objection.

42(6)

An objection shall be accompanied by such documents, particulars, or other information relating to the objection as the objector considers necessary or appropriate.

42(7)

Without prejudice to the provisions of any regulations under *Section 45*, an objector shall not be entitled to elaborate in writing upon, or make further submissions in writing in relation to, the grounds of objection stated in the objection, and any such elaboration, submissions or further grounds of objection that is or are received by the Agency shall not be considered by it.

42(8)

Any documents, particulars or other information submitted by an objector, other than such documents, particulars or other information which accompanied the objection or which were furnished to the Agency under and in accordance with a requirement of, or made pursuant to, regulations under *Section 45*, shall not be considered by the Agency.

42(9)

- (a) A person making an objection under *subsection (3)* may request an oral hearing of the objection.
- (b) (i) A request for an oral hearing of an objection shall be made in writing to the Agency and shall be accompanied by such fee (if any) as may be payable in respect of such request in accordance with regulations under *Section 50*.

- (ii) A request for an oral hearing of an objection which is not accompanied by such fee (if any) as may be payable in respect of such request shall not be considered by the Agency.
 - (c) A request for an oral hearing of an objection shall be made within the appropriate period, and any request received by the Agency after the expiration of that period shall not be considered by it.
- 42(10) An objection, or a request for an oral hearing under subsection (9), shall be made—
- (a) by sending the objection or request by prepaid post to the Agency, or
 - (b) by leaving the objection or request with an employee of the Agency, at the principal office of the Agency, during office hours, or
 - (c) by such other means as may be prescribed.
- 42(11) (a) Where a request for an oral hearing of an objection is made in accordance with *subsection (9)*, or otherwise where an objection has been made, the Agency shall have an absolute discretion to hold an oral hearing in relation to the objection and, if it decides to hold such a hearing, it shall give notice in writing of that decision to—
- (i) the applicant or the holder of the licence, as the case may be,
 - (ii) where relevant, the local authority in whose functional area the activity, the subject matter of the proposed waste licence or the waste licence, as the case may be, is intended to be, or is, carried on,
 - (iii) any person who requested an oral hearing, and
 - (iv) such other person as may be prescribed.
- (b) Where the Agency decides not to hold an oral hearing under this subsection, it shall give notice in writing of its decision to the person who requested the oral hearing.
- 42(12) In this section “the appropriate period” means the period of 28 days beginning on the day on which notification is sent under subsection (2) in respect of the matter concerned.
- 42A ***Calculation of appropriate period and other time limits over holidays***
- When calculating the appropriate period (within the meaning of Section 42) or any other time limit under this Act or in any regulations made under this Act, the period between the 24th day of December and the 1st day of January, both days inclusive, shall be disregarded.
- 43(1) (a) Where
- (i) no objection is made in accordance with Section 42(3) to the Agency in relation to a decision that it proposes to make in respect of an application made to it for the grant of a waste licence or in consequence of a review conducted by it of a waste licence, or
 - (ii) any objection or objections that has or have been so made to it in relation thereto is or are withdrawn,
- the decision of the Agency in relation to that application or in consequence of the review shall be that as notified by it under Section 42(2).
- (b) Where the decision of the Agency is to grant a waste licence or a revised waste licence, such a licence shall be granted by it as soon as may be after the making of the decision.



Headquarters
P.O. Box 3000
Johnstown Castle Estate
County Wexford
Ireland

**WASTE LICENCE
Proposed Decision**

Licence Register Number:	W0252-01
Applicant:	BUCHPA Limited
Location of Facility:	Kilmartin Coynes Cross Newcastle County Wicklow

INTRODUCTION

This introduction is not part of the licence and does not purport to be a legal interpretation of the licence.

This waste licence relates to the infill of a natural valley using imported inert soils and stones at Kilmartin, Coynes Cross, Newcastle, County Wicklow. The amount of inert material to be imported and placed at the facility over a 3-10 year period is approximately 2.147 million tonnes (approximately 1.193 million cubic metres). Following completion of the infilling operations, the site will be restored to improved agricultural grassland, which is in keeping with the character of the surrounding area.

This facility is classed as a natural soils recovery facility, with the principal activity identified as Class 4 of the Fourth Schedule to the Waste Management Acts 1996 to 2008; *recycling or reclamation of inorganic materials*.

Only recycled material, which has already been recovered/processed and deemed fit for re-use will be used as part of the on-site engineering works.

The licence requires the implementation of robust waste acceptance and inspection procedures to ensure that only inert wastes are used in site restoration works. The licence specifies a number of environmental controls in order to minimise nuisance to the public arising from the waste activities at the facility, including control of potential dust and noise emissions. The environmental monitoring requirements include groundwater, dust and noise.

The licence sets out in detail the conditions under which BUCHPA Limited will operate and manage this facility.

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Glossary of Terms

All terms in this licence should be interpreted in accordance with the definitions in the Environmental Protection Agency Acts 1992 to 2007 / Waste Management Acts 1996 to 2008, unless otherwise defined in the section.

Adequate lighting	20 lux measured at ground level.
AER	Annual Environmental Report.
Agreement	Agreement in writing.
Annually	At approximately twelve-monthly intervals.
Application	The application by the licensee for this licence.
Appropriate Facility	A waste management facility, duly authorised under relevant law and technically suitable.
Attachment	Any reference to Attachments in this licence refers to attachments submitted as part of this licence application.
BAT	Best Available Techniques.
Biannually	All or part of a period of six consecutive months.
Biennially	Once every two years.
BOD	5 day Biochemical Oxygen Demand (without nitrification suppression).
CBOD	5 day Carbonaceous Biochemical Oxygen Demand (with nitrification suppression).
CEN	Comité Européen De Normalisation – European Committee for Standardisation.
COD	Chemical Oxygen Demand.
Construction and demolition (C&D) waste	Wastes that arise from construction, renovation and demolition activities: Chapter 17 of the EWC or as otherwise may be agreed.
Containment boom	A boom that can contain spillages and prevent them from entering drains or watercourses or from further contaminating watercourses.
Daily	During all days of plant operation and, in the case of emissions, when emissions are taking place; with at least one measurement on any one day.
Day	Any 24 hour period.

Daytime	0800 hrs to 2200 hrs.
dB(A)	Decibels (A weighted).
DO	Dissolved oxygen.
Documentation	Any report, record, results, data, drawing, proposal, interpretation or other document in written or electronic form which is required by this licence.
Drawing	Any reference to a drawing or drawing number means a drawing or drawing number contained in the application, unless otherwise specified in this licence.
EMP	Environmental Management Programme.
Emission limits	Those limits, including concentration limits and deposition rates, established in <i>Schedule B: Emission Limits</i> of this licence.
Environmental damage	As defined in Directive 2004/35/EC.
EPA	Environmental Protection Agency.
European Waste Catalogue (EWC)	A harmonised, non-exhaustive list of wastes drawn up by the European Commission and published as Commission Decision 2000/532/EC and any subsequent amendment published in the Official Journal of the European Community.
Facility	Any site or premises used for the purpose of the recovery or disposal of waste.
Fortnightly	A minimum of 24 times per year, at approximately two week intervals.
GC/MS	Gas chromatography/mass spectroscopy.
ha	Hectare.
Heavy metals	This term is to be interpreted as set out in "Parameters of Water Quality, Interpretation and Standards" published by the Agency in 2001. ISBN 1-84095-015-3.
Hours of operation	The hours during which the facility is authorised to be operational.
Hours of waste acceptance	The hours during which the facility is authorised to accept waste.
ICP	Inductively coupled plasma spectroscopy.
Incident	The following shall constitute as incident for the purposes of this licence: <ul style="list-style-type: none">(i) an emergency;(ii) any emission which does not comply with the requirements of this licence;(iii) any trigger level specified in this licence which is attained or exceeded; and,(iv) any indication that environmental pollution has, or may have, taken place.
IPPC	Integrated Pollution Prevention & Control.

Landfill Directive	Council Directive 1999/31/EC.
L_{eq}	Equivalent continuous sound level.
Licensee	BUCHPA Limited, 59 Avoca Park, Blackrock, County Dublin.
Liquid waste	Any waste in liquid form and containing less than 2% dry matter.
List I	As listed in the EC Directives 76/464/EEC and 80/68/EEC and amendments.
List II	As listed in the EC Directives 76/464/EEC and 80/68/EEC and amendments
Local Authority	Wicklow County Council.
Maintain	Keep in a fit state, including such regular inspection, servicing, calibration and repair as may be necessary to perform its function adequately.
Mass flow limit	An emission limit value expressed as the maximum mass of a substance that can be emitted per unit time.
Mass flow threshold	A mass flow rate above which a concentration limit applies.
Monthly	A minimum of 12 times per year, at intervals of approximately one month.
Night-time	2200 hrs to 0800 hrs.
Noise-sensitive location (NSL)	Any dwelling house, hotel or hostel, health building, educational establishment, place of worship or entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.
Oil separator	Device installed according to the International Standard I.S. EN 858-2:2003 (Separator system for light liquids, (e.g. oil and petrol) – Part 2: Selection of normal size, installation, operation and maintenance).
PAH	Polycyclic Aromatic Hydrocarbons.
Planning Authority	Wicklow County Council.
PRTR	Pollutant Release and Transfer Register.
Quarterly	At approximately three – monthly intervals. All or part of a period of three consecutive months beginning on the first day of January, April, July or October.
Regional Fisheries Board	Eastern Regional Fisheries Board.
Sample(s)	Unless the context of this licence indicates to the contrary, the term samples shall include measurements taken by electronic instruments.
Sanitary effluent	Wastewater from facility toilet, washroom and canteen facilities.
SOP	Standard operating procedure.
Source segregated waste	Waste which is separated at source; meaning that the waste is sorted at the point of generation into a recyclable fraction(s) for separate collection (e.g., paper, metal, glass, plastic, bulk dry recyclables, biodegradables, etc.) and a residual fraction. The expression 'separate at source' shall be construed accordingly.

Specified emissions	Those emissions listed in <i>Schedule B: Emission Limits</i> of this licence.
Standard method	A National, European or internationally recognised procedure (e.g. I.S. EN, ISO, CEN, BS or equivalent); or an in-house documented procedure based on the above references; a procedure as detailed in the current edition of "Standard Methods for the Examination of Water and Wastewater" (prepared and published jointly by A.P.H.A., A.W.W.A. & W.E.F.), American Public Health Association, 1015 Fifteenth Street, N.W., Washington DC 20005, USA; or an alternative method as may be agreed by the Agency.
Storm water	Rain water run-off from roof and non-process areas.
The Agency	Environmental Protection Agency.
TA Luft	Technical Instructions on Air Quality Control – TA Luft in accordance with art. 48 of the Federal Immission Control Law (BImSchG) dated 15 March 1974 (BGBl. I p 721). Federal Ministry for Environment, Bonn 1986, including the amendment for Classification of Organic Substances according to section 3.1.7 TA. Luft, published in July 1997.
TOC	Total organic carbon.
Trade effluent	Trade effluent has the meaning given in the Water Services Act, 2007.
Trigger level	A parameter value, the achievement or exceedance of which requires certain actions to be taken by the licensee.
Water Services Authority	Wicklow County Council.
Weekly	During all weeks of plant operation and, in the case of emissions, when emissions are taking place; with at least one measurement in any one week.
WWTP	Waste water treatment plant.

Decision & Reasons for the Decision

The Environmental Protection Agency is satisfied, on the basis of the information available, that subject to compliance with the conditions of this licence, any emissions from the activity will comply with and will not contravene any of the requirements of Section 40(4) of the Waste Management Acts 1996 to 2008.

In reaching this decision the Environmental Protection Agency has considered the application and supporting documentation received from the applicant, all submissions received from other parties and the report of its inspector.

Part I Schedule of Activities Licensed

In pursuance of the powers conferred on it by the Waste Management Acts 1996 to 2008, the Environmental Protection Agency (the Agency) proposes, under Section 40(1) of the said Acts to grant this Waste Licence to BUCHPA Limited, 59 Avoca Park, Blackrock, County Dublin to carry on the waste activities listed below at Kilmartin, Coyne's Cross, Newcastle, County Wicklow subject to conditions, with the reasons therefor and the associated schedules attached thereto set out in the licence.

Licensed Waste Recovery Activities, in accordance with the Fourth Schedule of the Waste Management Acts 1996 to 2008

Class 4.	Recycling or reclamation of other inorganic materials.
Class 13.	Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where such waste is produced.

Part II Schedule of Activities Refused

On the basis of the information before it, the Environmental Protection Agency (the Agency), pursuant to its powers under Section 40(1) of the Waste Management Acts 1996 to 2008, proposes to refuse the following classes of activity.

Refused waste recovery activities, in accordance with the Fourth Schedule of the Waste Management Acts 1996 to 2008

Class 2.	<p>Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological processes):</p> <p>Reason: Class 4 adequately covers the use of inert soil and stone for infilling works.</p>
Class 10.	<p>The treatment of any waste on land with a consequential benefit for an agricultural activity or ecological system:</p> <p>Reason: Class 4 adequately covers the use of inert soil and stone for infilling works.</p>
Class 11.	<p>Use of waste obtained from any activity referred to in a preceding paragraph of this Schedule:</p> <p>Reason: Class 4 adequately covers the use of inert soil and stone for infilling works.</p>

Part III Conditions

Condition 1. Scope

- 1.1 Waste activities at this facility shall be restricted to those listed and described in *Part I Schedule of Activities Licensed*, and shall be as set out in the licence application or as modified under Condition 1.4 of this licence and subject to the conditions of this licence.
- 1.2 Activities at this facility shall be limited as set out in *Schedule A: Limitations* of this licence.
- 1.3 For the purposes of this licence, the facility authorised by this licence is the area of land outlined in red on Figure No. 1.1.3 *Kilmartin Restoration Project, Site Restoration Area* of the EIS. Any reference in this licence to “facility” shall mean the area thus outlined in red. The licensed activities shall be carried on only within the area outlined.
- 1.4 No alteration to, or reconstruction in respect of, the activity, or any part thereof, that would, or is likely to, result in
- (i) a material change or increase in:
 - the nature or quantity of any emission;
 - the abatement/treatment or recovery systems;
 - the range of processes to be carried out;
 - the fuels, raw materials, intermediates, products or wastes generated, or
 - (ii) any changes in:
 - site management, infrastructure or control with adverse environmental significance;
- shall be carried out or commenced without prior notice to, and without the agreement of, the Agency.
- 1.5 The facility shall be controlled, operated and maintained and emissions shall take place as set out in the licence. All programmes required to be carried out under the terms of this licence become part of this licence.
- 1.6 This licence is for purposes of waste licensing under the Waste Management Acts 1996 to 2008 only and nothing in this licence shall be construed as negating the licensee’s statutory obligations, or requirements under any other enactments or regulations.
- 1.7 Waste Acceptance Hours and Hours of Operation
- 1.7.1 Waste may be accepted at the facility only between the hours of 08:00 and 18:30 Monday to Friday inclusive (excluding Public Holidays), and between 08:00 and 14:00 hours on Saturdays, unless otherwise agreed by the Agency.
- 1.7.2 The facility may be operated only between the hours of 07:30 to 18:30 Monday to Friday inclusive (excluding Public Holidays), and 07:30 to 14:00 on Saturdays, unless otherwise agreed by the Agency.

Reason: <i>To clarify the scope of this licence.</i>

Condition 2. Management of the Facility

2.1 Facility Management

- 2.1.1 The licensee shall employ a suitable qualified and experienced facility manager who shall be designated as the person in charge. The facility manager or a nominated, suitably qualified and experienced deputy shall be present on the facility at all times during its operation or as otherwise required by the Agency.
- 2.1.2 The licensee shall ensure that personnel performing specifically assigned tasks shall be qualified on the basis of appropriate education, training and experience as required and shall be aware of the requirements of this licence. In addition, the facility manager and his/her deputy shall successfully complete FAS waste management training programme or equivalent agreed by the Agency.

2.2 Environmental Management System (EMS)

- 2.2.1 The licensee shall establish and maintain an Environmental Management System (EMS) in advance of the commencement of the activity. The EMS shall be updated on an annual basis.
- 2.2.2 The EMS shall include, as a minimum, the following elements:
- 2.2.2.1 Management and Reporting Structure.
- 2.2.2.2 Schedule of Environmental Objectives and Targets

The licensee shall prepare and maintain a Schedule of Environmental Objectives and Targets. The schedule shall, as a minimum, provide for a review of all operations and processes, including an evaluation of practicable options, for energy and resource efficiency, the use of cleaner technology, cleaner production, and the prevention, reduction and minimisation of waste and shall include waste reduction targets. The schedule shall include time frames for the achievement of set targets and shall address a five-year period as a minimum. The schedule shall be reviewed annually and amendments thereto notified to the Agency for agreement as part of the Annual Environmental Report (AER).

2.2.2.3 Environmental Management Programme (EMP)

The licensee shall, not later than six months from the date of grant of this licence, submit to the Agency for agreement an EMP, including a time schedule, for achieving the Environmental Objectives and Targets prepared under Condition 2.2.2.2. Once agreed the EMP shall be established and maintained by the licensee. It shall include:

- designation of responsibility for targets;
- the means by which they may be achieved;
- the time within which they may be achieved.

The EMP shall be reviewed annually and amendments thereto notified to the Agency for agreement as part of the Annual Environmental Report (AER).

A report on the programme, including the success in meeting agreed targets, shall be prepared and submitted to the Agency as part of the AER. Such reports shall be retained on-site for a period of not less than seven years and shall be available for inspection by authorised persons of the Agency.

2.2.2.4 Documentation

- (i) The licensee shall establish and maintain an environmental management documentation system which shall be to the satisfaction of the Agency.
- (ii) The licensee shall issue a copy of this licence to all relevant personnel whose duties relate to any condition of this licence.

2.2.2.5 Corrective Action

The licensee shall establish procedures to ensure that corrective action is taken should the specified requirements of this licence not be fulfilled. The responsibility and authority for persons initiating further investigation and corrective action in the event of a reported non-conformity with this licence shall be defined.

2.2.2.6 Awareness and Training

The licensee shall establish and maintain procedures for identifying training needs, and for providing appropriate training, for all personnel whose work can have a significant effect upon the environment. Appropriate records of training shall be maintained.

2.2.2.7 Communications Programme

The licensee shall establish and maintain a Public Awareness and Communications Programme to ensure that members of the public can obtain information at the facility, at all reasonable times, concerning the environmental performance of the facility.

2.2.2.8 Maintenance Programme

The licensee shall establish and maintain, within six months of the date of commencement of the licensed activity, a programme for maintenance of all plant and equipment based on the instructions issued by the manufacturer/supplier or installer of the equipment. Appropriate record keeping and diagnostic testing shall support this maintenance programme. The licensee shall clearly allocate responsibility for the planning, management and execution of all aspects of this programme to appropriate personnel (see Condition 2.1 above).

Reason: *To make provision for management of the activity on a planned basis having regard to the desirability of ongoing assessment, recording and reporting of matters affecting the environment.*

Condition 3. Infrastructure and Operation

- 3.1 Prior to commencement of licensable activities, the licensee shall establish all infrastructure referred to in this licence, to the design set out in the Application documentation or as may be otherwise specified or varied by the conditions of this licence.

3.2 Facility Notice Board

3.2.1 The licensee shall, prior to the commencement of the licensed activity, provide a Facility Notice Board on the facility so that it is legible to persons outside the main entrance to the facility. The minimum dimensions on the board shall be 1200 mm by 750 mm. The notice board shall be maintained thereafter.

3.2.2 The board shall clearly show:

- (i) the name and telephone number of the facility;
- (ii) the normal hours of opening;
- (iii) the name of the licence holder;
- (iv) an emergency out of hours contact telephone number;
- (v) the licence reference number; and
- (vi) where environmental information relating to the facility can be obtained.

3.3 Specified Engineering Works (SEW)

3.3.1 The licensee shall submit proposals for any Specified Engineering Works, as defined in *Schedule D: Specified Engineering Works* of this licence, to the Agency for its agreement at least two months in advance of the intended date of commencement of any such works. No such works shall be carried out without the prior agreement of the Agency.

3.3.2 All specified engineering works shall be supervised by an appropriately qualified person, and that person, or persons, shall be present at all times during which relevant works are being undertaken.

3.3.3 Following completion of any specified engineering works, the licensee shall complete a construction quality assurance validation. The validation report shall be made available to the Agency on request. The report shall, as appropriate, include the following information:

- (i) A description of the works;
- (ii) As-built drawings of the works;
- (iii) Name(s) of contractor(s)/individual(s) responsible for undertaking the specified engineering works;
- (iv) Records of any problems and the remedial works carried out to resolve those problems; and
- (v) Any other information requested in writing by the Agency.

3.4 Facility Security

3.4.1 Security and stockproof fencing and gates shall be installed and maintained. The base of the fencing shall be set in the ground. Subject to the implementation of the restoration and aftercare plan and to the agreement of the Agency, the requirement for such site security may be removed.

3.4.2 Gates shall be locked shut when the facility is unsupervised.

3.4.3 The licensee shall remedy any defect in the gates and/or fencing as follows:

- (i) A temporary repair shall be made by the end of the working day; and
- (ii) A repair to the standard of the original gates and/or fencing shall be undertaken within three working days.

3.5 Facility Roads and Hardstanding

3.5.1 Effective site roads shall be provided and maintained to ensure the safe movement of vehicles within the facility.

3.5.2 The facility entrance and hardstanding areas shall be appropriately paved and maintained in a fit and clean condition.

- 3.5.3 The licensee shall provide and maintain an impermeable concrete surface at the waste inspection and quarantine area as shown on Drawing No. CE04561-08-3A *Site Compound Detail* of the EIS. The surface shall be concreted and surfaced to British Standard 8110 or an alternative as agreed by the Agency.
- 3.6 Facility Office
- 3.6.1 The licensee shall provide and maintain a site office at the facility. The office shall be constructed and maintained in a manner suitable for the processing and storing of documentation.
- 3.6.2 The licensee shall provide and maintain a working telephone at the facility.
- 3.6.3 The licensee shall ensure that a fax machine and a method for electronic transfer of information are made available to the facility.
- 3.7 Waste Inspection and Quarantine Areas
- 3.7.1 A Waste Inspection Area and a Waste Quarantine Area shall be provided and maintained at the facility.
- 3.7.2 These areas shall be constructed and maintained in a manner suitable, and be of a size appropriate, for the inspection of waste and subsequent quarantine if required. The waste inspection area and the waste quarantine area shall be clearly identified and segregated from each other.
- 3.7.3 Surface water run-off from this area shall be directed to the sump, as described in section 3.1.1.4 of the EIS and will be tankered off-site for disposal at a waste water treatment plant to be agreed by the Agency.
- 3.8 Weighbridge and Wheel Cleaner
- 3.8.1 The licensee shall provide and maintain a weighbridge and wheel wash facility at the facility.
- 3.8.2 The wheel wash facility shall be used by all vehicles leaving the facility as required to ensure that no mud or waste is carried off-site.
- 3.8.3 All water from the wheel wash facility shall be collected and directed to a silt trap, oil interceptor and to a soak pit, as described in section 3.1.1.3 of the EIS. The interceptor shall be a Class I full retention separator and the silt trap and interceptor shall be in accordance with I.S. EN-858-2: 2003 (separator systems for light liquids).
- 3.9 Tank, Container and Drum Storage Areas
- 3.9.1 All tank, container and drum storage areas shall be rendered impervious to the materials stored therein. Bunds shall be designed having regard to Agency guidelines 'Storage and Transfer of Materials for Scheduled Activities' (2004).
- 3.9.2 All tank and drum storage areas shall, as a minimum, be bunded, either locally or remotely, to a volume not less than the greater of the following:
- (i) 110% of the capacity of the largest tank or drum within the bunded area; or
 - (ii) 25% of the total volume of substance that could be stored within the bunded area.
- 3.9.3 All drainage from bunded areas shall be treated as hazardous waste unless it can be demonstrated to be otherwise. All drainage from bunded areas shall be diverted for collection and safe disposal.
- 3.9.4 All inlets, outlets, vent pipes, valves and gauges must be within the bunded area.
- 3.9.5 All tanks, containers and drums shall be labelled to clearly indicate their contents.
- 3.9.6 Fuel storage facilities shall be located on an impermeable hardstanding area and shall be suitably protected from physical damage. All taps or valves through which fuel can be discharged from the tank/container shall be fitted with a lock and shall be locked shut when not in use.

- 3.10 The licensee shall install on all emission points such sampling points or equipment, including any data-logging or other electronic communication equipment, as may be required by the Agency. All such equipment shall be consistent with the safe operation of all sampling and monitoring systems.
- 3.11 The licensee shall clearly label and provide safe and permanent access to all on-site sampling and monitoring points and to off-site points as required by the Agency.
- 3.12 The licensee shall have in storage an adequate supply of containment booms and/or suitable absorbent material to contain and absorb any spillage at the facility. Once used, the absorbent material shall be disposed of at an appropriate facility.
- 3.13 The licensee shall provide and maintain in a prominent location on the site a wind sock, or other wind direction indicator, which shall be visible from the public roadway outside the site.
- 3.14 Groundwater
 - 3.14.1 The licensee shall provide and maintain at least two upgradient and four downgradient groundwater monitoring boreholes at the facility.
 - 3.14.2 The licensee shall submit a proposal for the location and depth (borehole and screen area/level) of groundwater monitoring boreholes GW5 and GW6 to the Agency for approval within twelve months of the date of grant of this licence. The location of all monitoring boreholes shall be subject to reassessment and agreement by the Agency every three years, or as otherwise requested by the Agency.
 - 3.14.3 Groundwater monitoring wells shall be constructed having regard to the guidance given in the Agency's landfill manual "Landfill Monitoring".
 - 3.14.4 All wells and boreholes shall be adequately sealed to prevent surface contamination and, as may be appropriate, decommissioned according to the UK Environment Agency guidelines "Decommissioning Redundant Boreholes and Wells", or otherwise as agreed by the Agency.
- 3.15 Surface water
 - 3.15.1 The licensee shall provide and maintain collection drains which will drain to two settlement lagoons as described in Section 3.4.3 of the EIS and as detailed in Drawings CE04561-08-1-3A *Site Layout Map* and CE04561-08-5A *Settlement Ponds*.
 - 3.15.2 The licensee shall submit a method statement to the Eastern Regional Fisheries Board for approval prior to the construction of the two settlement ponds having regard to the Fisheries guidelines document "Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites".
- 3.16 The licensee shall have regard to the guidance given in the Environmental Protection Agency Landfill Manuals (Site Design, Operational Practices, Monitoring, Site Investigation, and Restoration and Aftercare), as may be relevant, in the development, operation and closure of the facility.
- 3.17 The licensee shall provide and maintain a Wastewater Treatment plant at the facility for the treatment of sanitary effluent arising on-site. Any percolation area shall satisfy the criteria set out in the *Wastewater Treatment Manual, Treatment Systems for Small Communities, Business, Leisure Centres and Hotels*, published by the Environmental Protection Agency.

Reason: *To provide for appropriate operation of the facility to ensure protection of the environment.*

Condition 4. Interpretation

- 4.1 In the case of emissions to waters, no grab sample value shall exceed 1.2 times the emission limit value.
- 4.2 Where the ability to measure a parameter is affected by mixing before emission, then, with agreement from the Agency, the parameter may be assessed before mixing takes place.
- 4.3 Noise from the facility shall not give rise to sound pressure levels (L_{eq} , T) measured at noise sensitive locations, which exceed the limit values.
- 4.4 Dust from the activity shall not give rise to deposition levels at the facility boundary which exceed the limit value.

Reason: *To clarify the interpretation of limit values fixed under the licence.*

Condition 5. Emissions

- 5.1 No specified emission from the facility shall exceed the emission limit values set out in *Schedule B: Emission Limits* of this licence. There shall be no other emissions of environmental significance.
- 5.2 No emissions, including odours, from the activities carried on at the site shall result in an impairment of, or an interference with amenities or the environment beyond the facility boundary or any other legitimate uses of the environment beyond the facility boundary.
- 5.3 The licensee shall ensure that all or any of the following:
 - Mud
 - Dust
 - Litter

associated with the activity do not result in an impairment of, or an interference with, amenities or the environment at the facility or beyond the facility boundary or any other legitimate uses of the environment beyond the facility boundary. Any method used by the licensee to control or prevent any such impairment/interference shall not cause environmental pollution.

- 5.4 The road network in the vicinity of the facility shall be kept free from any debris caused by vehicles entering or leaving the facility. Any such debris or deposited materials shall be removed without delay.
- 5.5 There shall be no direct emissions of polluting matter to groundwater.

Reason: *To provide for the protection of the environment by way of control and limitation of emissions.*

Condition 6. Control and Monitoring

- 6.1 The licensee shall carry out such sampling, analyses, measurements, examinations, maintenance and calibrations as set out below and as in accordance with *Schedule C: Control & Monitoring* of this licence.
 - 6.1.1 Analyses shall be undertaken by competent staff in accordance with documented operating procedures.

- 6.1.2 Such procedures shall be assessed for their suitability for the test matrix and performance characteristics shall be determined.
- 6.1.3 Such procedures shall be subject to a programme of Analytical Quality Control using control standards with evaluation of test responses.
- 6.1.4 Where any analysis is sub-contracted it shall be to a competent laboratory.
- 6.2 The licensee shall ensure that:
- (iii) sampling and analysis for all parameters listed in the Schedules to this licence; and
 - (iv) any reference measurements for the calibration of automated measurement systems;
- shall be carried out in accordance with CEN-standards. If CEN standards are not available, ISO, national or international standards that will ensure the provision of data of an equivalent scientific quality shall apply.
- 6.3 Monitoring and analysis equipment shall be operated and maintained as necessary so that monitoring accurately reflects the emission/discharge (or ambient conditions where that is the monitoring objective).
- 6.4 The licensee shall ensure that groundwater monitoring well sampling equipment is available/installed on-site and is fit for purpose at all times. The sampling equipment shall be to Agency specifications.
- 6.5 All treatment/abatement and emission control equipment shall be calibrated and maintained in accordance with the instructions issued by the manufacturer/supplier or installer.
- 6.6 The frequency, methods and scope of monitoring, sampling and analyses, as set out in this licence, may be amended with the agreement of the Agency following evaluation of test results.
- 6.7 Prior to the commencement of the licensed activity the integrity and water tightness of all tanks, bunding structures and containers and their resistance to penetration by water or other materials carried or stored therein shall be tested and demonstrated by the licensee. This testing shall be carried out by the licensee at least once every three years thereafter and reported to the Agency on each occasion. This testing shall be carried out in accordance with any guidance published by the Agency. A written record of all integrity tests and any maintenance or remedial work arising from them shall be maintained by the licensee.
- 6.8 The drainage system (i.e. any visible drainage conduits and such other aspects as may be agreed), bunds and silt traps shall be inspected weekly, desludged as necessary and properly maintained at all times. All sludge and drainage from these operations shall be collected for safe disposal.
- 6.9 Noise
- 6.9.1 The licensee shall carry out a noise survey of the site operations annually. The survey programme shall be undertaken in accordance with the methodology specified in the 'Environmental Noise Survey Guidance Document' as published by the Agency.
 - 6.9.2 The licensee shall construct or install temporary screening embankments/barriers at the facility as necessary, in order to achieve the limits specified in *Schedule B.4: Noise Emissions* of this licence.
- 6.10 Prior to the commencement of the licensed activity the licensee shall develop and operate a Data Management System for collation, archiving, assessing and graphically presenting the monitoring data generated as a result of this licence.
- 6.11 The licensee shall ensure that waste activities at the facility shall be carried out in such a manner so as not to have an adverse effect on the drainage of adjacent lands, on watercourses, on field drains or any other drainage system including the public roadway.
- 6.12 Operational Controls
- 6.12.1 There shall be no public access to the facility.

- 6.12.2 Wastes, once deposited and covered, shall not be excavated, disturbed or otherwise picked over unless with the prior agreement of the Agency.
- 6.12.3 Restored areas shall be profiled so that no depressions exist in which water may accumulate. Any depressions arising after profiling shall be rectified by the emplacement of suitable materials.
- 6.12.4 The licensee shall provide and use adequate lighting during the operation of the facility in hours of darkness.
- 6.12.5 All loose litter or other waste, placed on or in the vicinity of the facility, other than in accordance with the requirements of this licence, shall be removed, subject to the agreement of the landowners, immediately and in any event by 10.00am of the next working day after such waste is discovered.
- 6.12.6 No smoking shall be allowed at the facility.
- 6.13 Dust Control
- 6.13.1 In dry weather, site roads and any other areas used by vehicles shall be sprayed with water as and when required to minimise airborne dust nuisance.
- 6.13.2 Each completed sub phase shall be seeded within 1 month of commencement of the next sub phase.
- 6.13.3 Restored areas (completed phases) shall be seeded within 1 month after placement of cover soils.
- 6.13.4 Temporary stockpiles of imported soils shall be located away from sensitive receptors in order to minimise airborne dust emissions.
- 6.13.5 All waste vehicles shall use the wheelwash in advance of exiting the facility.
- 6.15 Topographical Monitoring
- A topographical survey shall be carried out on an annual basis. The survey shall include a measurement of the remaining available void space. The survey shall be in accordance with any written instructions issued by the Agency.
- 6.16 Stability Assessment
- The licensee shall carry out an annual stability assessment of the temporary side slopes along the internal access road at the facility. The results of this assessment shall be reported as part of the Annual Environmental Report (AER).

Reason: *To provide for the protection of the environment by way of treatment and monitoring of emissions.*

Condition 7. Resource Use and Energy Efficiency

- 7.1 The licensee shall carry out an audit of the energy efficiency of the site within one year of the date of commencement of the licensed activity. The audit shall be carried out in accordance with the guidance published by the Agency, "Guidance Note on Energy Efficiency Auditing". The energy efficiency audit shall be repeated at intervals as required by the Agency.
- 7.2 The audit shall identify all practicable opportunities for energy use reduction and efficiency and the recommendations of the audit will be incorporated into the Schedule of Environmental Objectives and Targets under Condition 2.2.2.2 above.
- 7.3 The licensee shall identify opportunities for reduction in the quantity of water used on site including recycling and reuse initiatives, wherever possible. Reductions in water usage shall be incorporated into Schedule of Environmental Objectives and Targets under Condition 2.2.2.2 above.

- 7.4 The licensee shall undertake an assessment of the efficiency of use of raw materials in all processes, having particular regard to the reduction in waste generated. The assessment should take account of best international practice for this type of activity. Where improvements are identified, these shall be incorporated into the Schedule of Environmental Objectives and Targets under Condition 2.2.2.2 above.

Reason: *To provide for the efficient use of resources and energy in all site operations.*

Condition 8. Materials Handling

- 8.1 Recovery of waste on-site shall only take place in accordance with the conditions of this licence and in accordance with the appropriate National and European legislation and protocols.
- 8.2 Waste sent off-site for recovery or disposal shall be transported only by an authorised waste contractor. The waste shall be transported from the site of the activity to the site of recovery/disposal only in a manner that will not adversely affect the environment and in accordance with the appropriate National and European legislation and protocols.
- 8.3 The licensee shall ensure that, in advance of transfer to another person, waste shall be classified, packaged and labelled in accordance with National, European and any other standards which are in force in relation to such labelling.
- 8.4 The loading and unloading of materials (including re-fuelling of plant) shall be carried out in designated areas protected against spillage and leachate run-off.
- 8.5 Waste and materials shall be stored in designated areas, protected as may be appropriate against spillage and leachate run-off. The waste shall be clearly labelled and appropriately segregated.
- 8.6 No waste classified as green list waste in accordance with the EU Shipment of Waste Regulations (Council Regulation EEC No. 1013/2006, as may be amended) shall be consigned for recovery without the agreement of the Agency.
- 8.7 Waste for disposal/recovery off-site shall be analysed in accordance with *Schedule C: Control & Monitoring* of this licence.
- 8.8 Waste Acceptance and Characterisation Procedures
- 8.8.1 Waste shall only be accepted at the facility from Local Authority waste collection or transport vehicles or holders of valid waste collection permits, unless exempted or excluded, issued under the Waste Management (Collection Permit) Regulations 2007, or as may be amended.
- 8.8.2 Prior to the commencement of licensed activities the licensee shall submit for Agency approval written procedures for the acceptance and handling of all wastes at the facility. These procedures shall be in accordance with the requirements of *Schedule A: Limitations* of this licence.
- 8.8.3 No hazardous or liquid wastes shall be disposed of at the facility.

Reason: *To provide for the appropriate handling of material and the protection of the environment.*

Condition 9. Accident Prevention and Emergency Response

- 9.1 Prior to the commencement of licensed activities the licensee shall ensure that a documented Accident Prevention Procedure is in place that addresses the hazards on-site, particularly in relation to the prevention of accidents with a possible impact on the environment. This procedure shall be reviewed annually and updated as necessary.
- 9.2 Prior to the commencement of licensed activities the licensee shall ensure that a documented Emergency Response Procedure is in place, that addresses any emergency situation which may originate on-site. This procedure shall include provision for minimising the effects of any emergency on the environment. This procedure shall be reviewed annually and updated as necessary.
- 9.3 Incidents
- 9.3.1 In the event of an incident the licensee shall immediately:
- (i) carry out an investigation to identify the nature, source and cause of the incident and any emission arising therefrom;
 - (ii) isolate the source of any such emission;
 - (iii) evaluate the environmental pollution, if any, caused by the incident;
 - (iv) identify and execute measures to minimise the emissions/malfunction and the effects thereof;
 - (v) identify the date, time and place of the incident;
 - (vi) notify the Agency and other relevant authorities.
- 9.3.2 The licensee shall provide a proposal to the Agency for its agreement within one month of the incident occurring or as otherwise agreed by the Agency, to:
- (i) identify and put in place measures to avoid reoccurrence of the incident; and
 - (ii) identify and put in place any other appropriate remedial actions.

Reason: To provide for the protection of the environment.

Condition 10. Restoration and Aftercare Management

- 10.1 The facility shall be restored in accordance with Section 3.1.3 *Restoration Plan* of the EIS. The site restoration works shall be undertaken on a phased basis, in accordance with Drawing No. 090396_S2_R2 *Fill Phases* of the EIS.
- 10.2 Finished Levels/Profiles
- 10.2.1 The final profile of the facility shall tie in the facility to the surrounding land levels and shall be as shown on Drawing No. 090396_S1_R2 *Volumes & Proposed Surface* of the EIS. The final height shall not exceed 55mOD.
- 10.2.2 Restored areas shall be profiled so that no depression exists in which water may accumulate. Any depressions arising after profiling shall be rectified by the emplacement of suitable capping or restoration materials.
- 10.2.3 Final contours and landscaping should be such that the finished slopes of the facility are structurally stable, resistant to erosion, and protective of pollutant control and monitoring infrastructure.
- 10.3 Final Capping
- 10.3.1 Unless otherwise agreed by the Agency, filled areas shall be permanently capped within 6 months of the areas having been filled to the required level.

- 10.3.2 Unless otherwise agreed by the Agency, the final capping shall consist of the following:
- (i) Top soil (at least 150 – 300mm); and
 - (ii) Subsoils, such that total thickness of top soil and subsoils is at least 1m.
- 10.4 No material or object that is incompatible with the proposed restoration of the facility shall be present within 1m of the final soil surface levels.
- 10.5 All waste activities at the facility shall cease upon the installation of the final capping unless otherwise agreed by the Agency.
- 10.6 The licensee shall undertake measures as necessary to prevent the release of suspended solids to receiving waters during the site restoration activities, in particular during final capping, final contouring and landscaping works.
- 10.7 Following termination, or planned cessation for a period greater than six months, of use or involvement of all or part of the site in the licensed activity, the licensee shall, to the satisfaction of the Agency, decommission, render safe or remove for disposal/recovery any soil, subsoil, buildings, plant or equipment, or any waste, materials or substances or other matter contained therein or thereon, that may result in environmental pollution.
- 10.8 Closure, Restoration and Aftercare Management Plan (CRAMP)
- 10.8.1 The licensee shall prepare, to the satisfaction of the Agency, a fully detailed and costed plan for the closure, restoration and aftercare of the site or part thereof. This plan shall have regard to the commitments given in the application documentation for this licence. The plan shall be submitted to the Agency for agreement as part of the first AER.
- 10.8.2 The plan shall be maintained and reviewed annually and proposed amendments thereto notified to the Agency for agreement as part of subsequent AERs. No amendments may be implemented without the prior agreement of the Agency.
- 10.9 The CRAMP shall include, as a minimum, the following:
- (i) A scope statement for the plan;
 - (ii) The criteria, including those specified in this licence, which define the successful closure and restoration of the facility or part thereof, and which ensure minimum impact on the environment;
 - (iii) A programme to achieve the stated criteria;
 - (iv) Where relevant, a test programme to demonstrate the successful implementation of the plan;
 - (v) Details of any proposed or required aftercare supervision, monitoring, control, maintenance and reporting requirements for the restored facility; and
 - (vi) Details of the costings for the plan and the financial provisions to underwrite those costs.
- 10.10 A final validation report to include a certificate of completion for the CRAMP, for all or part of the site as necessary, shall be submitted to the Agency within three months of execution of the plan. The licensee shall carry out such tests, investigations or submit certification, as requested by the Agency, to confirm that there is no continuing risk to the environment.

Reason: *To make provision for the proper closure of the activity ensuring protection of the environment.*

Condition 11. Notification, Records and Reports

11.1 The licence shall notify the Agency by both telephone and facsimile, if available, to the Agency's headquarters in Wexford, or to such other Agency office as may be specified by the Agency, as soon as practicable after the occurrence of any of the following:

- (i) any release of environmental significance to atmosphere from any potential emissions point;
- (ii) any emission that does not comply with the requirements of this licence;
- (iii) any malfunction or breakdown of key control equipment or monitoring equipment set out in *Schedule C: Control and Monitoring* of this licence which is likely to lead to loss of control of the abatement system; and
- (iv) any incident with the potential for environmental contamination of surface water or groundwater, or posing an environment threat to air or land, or requiring an emergency response by the Local Authority.

The licensee shall include as part of the notification, date and time of the incident, summary details of the occurrence, and where available, the steps taken to minimise any emissions.

11.2 In the case of any incident relating to discharges to water, the licensee shall notify the Local and Water Services Authority and the Eastern Regional Fisheries Board as soon as practicable after such an incident.

11.3 The licensee shall make a record of any incident. This record shall include details of the nature, extent, and impact of, and circumstances giving rise to, the incident. The record shall include all corrective actions taken to manage the incident, minimise wastes generated and the effect on the environment, and avoid recurrence. The licensee shall, as soon as practicable following incident notification, submit to the Agency the incident record.

11.4 The licensee shall record all complaints of an environmental nature related to the operation of the activity. Each such record shall give details of the date and time of the complaint, the name of the complainant (if provided), and give details of the nature of the complaint. A record shall also be kept of the response made in the case of each complaint.

11.5 The licensee shall record all sampling, analyses, measurements, examinations, calibrations and maintenance carried out in accordance with the requirements of this licence and all other such monitoring which relates to the environmental performance of the facility.

11.6 The licensee shall as a minimum keep the following documents at the site:

- (i) the licences relating to the facility;
- (ii) the current EMS for the facility;
- (iii) the previous year's AER for the facility;
- (iv) records of all sampling, analyses, measurements, examinations, calibrations and maintenance carried out in accordance with the requirements of this licence and all other such monitoring which relates to the environmental performance of the facility;
- (v) relevant correspondence with the Agency;
- (vi) up to date site drawings/plans showing the location of key process and environmental infrastructure, including monitoring locations and emission points;
- (vii) up to date Standard Operational Procedures for all processes, plant and equipment necessary to give effect to this licence or otherwise to ensure that standard operation of such processes, plant or equipment does not result in unauthorised emissions to the environment;
- (viii) the current Environmental Management Plan (EMP); and
- (ix) any elements of the licence application or EIS documentation referenced in this licence.

This documentation shall be available to the Agency for inspection at all reasonable times.

- 11.7 The licensee shall submit to the Agency, by the 31st March of each year, an AER covering the previous calendar year. This report, which shall be to the satisfaction of the Agency, shall include as a minimum the information specified in *Schedule F: Annual Environmental Report* of this licence and shall be prepared in accordance with any relevant guidelines issued by the Agency.
- 11.8 The licensee shall maintain a written record for each load of waste arriving at the facility. The licensee shall record the following:
- (i) the date;
 - (ii) the name of the carrier (including if appropriate, the waste carrier registration details);
 - (iii) the vehicle registration number;
 - (iv) the origin of the waste load;
 - (v) the name of the producer(s)/collector(s) of the waste as appropriate;
 - (vi) a description of the waste including the associated EWC codes;
 - (vii) the quantity of the waste, recorded in tonnes;
 - (viii) the name of the person checking the load; and
 - (ix) where loads or wastes are removed or rejected, details of the date of occurrence, the types of waste and the facility to which they were removed.
- 11.9 A full record, which shall be open to inspection by authorised persons of the Agency at all times, shall be kept by the licensee on matters relating to the waste management operations and practices at this site. This record shall be maintained on a monthly basis and shall as a minimum contain details of the following:
- (i) the tonnages and EWC Codes for the waste materials imported and/or sent off-site for disposal/recovery;
 - (ii) the names of the agent and carrier of the waste, and their waste collection permit details, if required (to include issuing authority and vehicle registration number);
 - (iii) details of the ultimate disposal/recovery destination facility for waste sent off-site and its appropriateness to accept the consigned waste stream, to include its permit/licence details and issuing authority, if required;
 - (iv) written confirmation of the acceptance and disposal/recovery of any hazardous waste consignments sent off-site;
 - (v) details of all waste consigned abroad for Recovery and classified as 'Green' in accordance with the EU Shipment of Waste Regulations (Council Regulation EEC No. 1013/2006, as may be amended). The rationale for the classification must form part of the record;
 - (vi) details of any rejected consignments;
 - (vii) details of any approved waste mixing;
 - (viii) the results of any waste analyses required under *Schedule C: Control & Monitoring*, of this licence; and
 - (ix) the tonnage and EWC Code for the waste materials recovered on-site.
- 11.10 The licensee shall submit report(s) as required by *Schedule E: Reporting* of this licence or as otherwise required by the conditions of this licence to the Agency's Headquarters in Wexford, or to such other Agency office as may be specified by the Agency.
- 11.11 All reports shall be certified accurate and representative by the facility manager or a nominated, suitably qualified and experienced deputy.
- 11.12 Waste Recovery Reports
- The licensee shall as part of the Annual Environmental Report for the site submit a report on the contribution by this facility to the achievement of the waste recovery objectives stated in Condition 2.2.2.2 and as otherwise may be stated in National and European Union waste policies and shall, as a minimum, include the recovery of C & D derived waste materials.

Reason: To provide for the collection and reporting of adequate information on the activity.

Condition 12. Financial Charges and Provisions

12.1 Agency Charges

- 12.1.1 The licensee shall pay to the Agency an annual contribution of €10,408, or such sum as the Agency from time to time determines, having regard to variations in the extent of reporting, auditing, inspection, sampling and analysis or other functions carried out by the Agency, towards the cost of monitoring the activity as the Agency considers necessary for the performance of its functions under the Waste Management Acts 1996 to 2008. The first payment shall be a pro-rata amount for the period from the date of commencement of the licensed activity to the 31st day of December, and shall be paid to the Agency within one month from the date of commencement of the licensed activity. In subsequent years the licensee shall pay to the Agency such revised annual contribution as the Agency shall from time to time consider necessary to enable performance by the Agency of its relevant functions under the Waste Management Acts 1996 to 2008, and all such payments shall be made within one month of the date upon which demanded by the Agency.
- 12.1.2 In the event that the frequency or extent of monitoring or other functions carried out by the Agency needs to be increased, the licensee shall contribute such sums as determined by the Agency to defray its costs in regard to items not covered by the said annual contribution.

12.2 Environmental Liabilities

- 12.2.1 The licensee shall as part of the AER, provide an annual statement as to the measures taken or adopted at the site in relation to the prevention of environmental damage, and the financial provisions in place in relation to the underwriting of costs for remedial actions following anticipated events (including closure) or accidents/incidents, as may be associated with the carrying on of the activity.
- 12.2.2 The licensee shall arrange for the completion, by an independent and appropriate qualified consultant, of a comprehensive and fully costed Environmental Liabilities Risk Assessment (ELRA) to address the liabilities from past and present activities. The assessment shall include those liabilities and costs identified in Condition 10 for execution of the CRAMP. A report on this assessment shall be submitted to the Agency for agreement as part of the first AER. The ELRA shall be reviewed as necessary to reflect any significant change on site, and in any case every three years following initial agreement. The results of the review shall be notified as part of subsequent AERs.
- 12.2.3 As part of the measures identified in Condition 12.2.1, the licensee shall, to the satisfaction of the Agency, make financial provision to cover any liabilities identified in Condition 12.2.2. The amount of indemnity held shall be reviewed and revised as necessary, but at least annually. Proof of renewal or revision of such financial indemnity shall be included in the annual 'Statement of Measures' report identified in Condition 12.2.1.
- 12.2.4 Unless otherwise agreed, any revision to that part of the indemnity dealing with restoration and aftercare liabilities (refer Condition 10.8.1) shall be computed using the following formula:

$$\text{Cost} = (\text{ECOST} \times \text{WPI}) + \text{CiCC}$$

Where:

Cost = Revised restoration and aftercare cost

ECOST = Existing restoration and aftercare cost

- WPI = Appropriate Wholesale Price Index [Capital Goods, Building & Construction (i.e. Materials & Wages) Index], as published by the Central Statistics Office, for the year since last closure calculation/revision.
- CiCC = Change in compliance costs as a result of change in site conditions, changes in law, regulations, regulatory authority charges, or other significant changes

12.2.5 The licensee shall have regard to the Environmental Protection Agency Guidance on Environmental Liability Risk Assessment, Decommissioning Management Plans and Financial Provision when implementing Conditions 12.2.2 and 12.2.3 above.

Reason: To provide for adequate financing for monitoring and financial provisions for measures to protect the environment.

SCHEDULE A: Limitations

A.1 Waste Acceptance

Only the inert wastes in Table A.1 are acceptable for recovery at the facility unless otherwise agreed by the Agency. These wastes must satisfy the criteria in *Schedule A.2: Acceptance Criteria for materials to be used for restoration at the facility* of this licence.

Table A.1 Waste Categories and Quantities

EW C CODE	WASTE TYPE ^{Notes 1 & 2}	MAXIMUM (tonnes per annum) ^{Note 5}	MAXIMUM (tonnes over lifetime of facility)
17 05 04	Soil and stones other than those mentioned in 17 05 03 ^{Note 3}	1,134,000	
17 01 01	Bricks ^{Note 4}		15,000
17 01 02	Tiles and ceramics ^{Note 4}		
17 01 03	Mixture of concrete, bricks, tiles and ceramics		
17 01 07	other than those mentioned in 17 01 06 ^{Note 4}		

Note 1: In the case of suspicion of contamination, (either from visual inspection or from knowledge of the origin of the waste), testing in accordance with *Schedule A.2* below shall be applied or the waste should be refused/rejected.

Note 2: Any proposals to accept other compatible waste streams must be agreed in advance by the Agency and the total amount of waste must be within the total amount specified.

Note 3: This waste stream may be used for site restoration purposes without further processing.

Note 4: These waste streams may be used for on-site engineering works.

Note 5: The limitation on individual waste types may be varied with the agreement of the Agency subject to the total limit remaining the same.



A.2 Acceptance Criteria for materials to be used for restoration (including site engineering/development) at the facility

The general characterisation and testing must be based on the following three level hierarchy:

Level 1: Basic Characterisation

This constitutes a thorough determination, according to standardised analysis and behaviour testing methods, of the short and long-term leaching behaviour and/or characteristic properties of the waste.

Level 2: Compliance Testing

This constitutes periodical testing by simpler standard analysis and behaviour-testing methods to determine whether a waste complies with condition and /or specific reference criteria. The tests focus on key variables and behaviour identified by basic characterisation.

Level 3: On-site verification

This constitutes rapid check methods to confirm that a waste is the same as that which has been subjected to compliance testing and that which is described in any accompanying documents. It may merely consist of a visual inspection of a load of waste before and after unloading at the waste facility.

Each and every load of waste (and accompanying documents) accepted for restoration at the facility shall undergo Level 3 verification/inspection as a minimum. And, notwithstanding Condition 11.8, the following information shall be recorded in relation to each and every waste load following such inspection:

Waste producer	Type of process producing the waste
Source and origin of waste	Amount of waste
Licensee's job/order/invoice number	Existing data on the waste
Vehicle registration number	Physical form
Description of the waste	Colour
Waste Type and EWC code	Odour

Soil and stones (EWC code 17 05 04) from single sources where the total quantity of waste expected to be generated is greater than or equal to 2,000 tonnes shall be subject to Level 1 and Level 2 testing. Level 1 (characterisation) testing shall be carried out prior to agreeing acceptance of the waste. Level 2 (compliance) testing shall be carried out on representative samples of waste upon delivery. A representative sample shall be taken once from the first 2,000 tonnes of waste deposited and once for every 250 loads of waste thereafter. Part of each sample shall be retained at the facility for three months and be available for inspection/analysis by the Agency. The criteria for Level 1 and Level 2 testing shall be agreed in accordance with Condition 8.8.2.

Where single sources generate less than 2,000 tonnes of soil and stones (EWC code 17 05 04), one sample for every 2,000 tonnes of waste accepted from the collective of small single sources shall be characterised according to criteria to be agreed in accordance with Condition 8.8.2 (and to incorporate appropriate elements of Level 1 and/or Level 2 testing).

Wastes of EWC code 17 01 01, 17 01 02, 17 02 03 and 17 01 07, where these are to be used for site engineering/ development works, shall be subject, on a batch basis but prior to use, to Level 1 and/or Level 2 testing according to a procedure to be agreed in accordance with Condition 8.8.2. For sampling and characterisation purposes, individual batches shall be no larger than 5,000 tonnes. All batches of recycled waste used for site engineering/development works, however small, shall be associated with at least one sample taken for Level 1 and/or Level 2 testing and records shall be maintained to demonstrate this.

In relation to all wastes proposed to be tested according to agreed protocols, including soil and stones (EWC code 17 05 04) and wastes of EWC code 17 01 01, 17 01 02, 17 02 03 and 17 01 07, the licensee shall, in accordance with Condition 8.8.2, propose maximum concentrations and/or trigger levels for contaminants in the materials proposed to be recovered (as restoration materials). The exceedance of these maximum concentrations and/or trigger levels shall be considered an incident and non-compliant materials shall be dealt with in accordance with Condition 9.3. Arrangements shall be made for the removal of the material for disposal at an authorised facility.

Sampling and testing shall be carried out by independent and qualified persons and institutions. Laboratories shall have proven experience in waste testing and analysis and an efficient quality assurance system.



SCHEDULE B: Emission Limits

B.1 Emissions to Air

There shall be no emissions to air of environmental significance.



B.2 Emissions to Water

Suspended Solids Concentration (mg/l)
35



B.3 Emissions to Sewer

There shall be no process effluent emissions to sewer.



B.4 Noise Emissions

Daytime dB(A) L_{Aeq} (30 minutes)	Night-time dB(A) L_{Aeq} (30 minutes)
55 <small>Note 1</small>	45 <small>Note 1</small>

Note 1: There shall be no clearly audible tonal component or impulsive component in the noise emission from the activity at any noise-sensitive location.



B.5 Dust Deposition Limits

Measured at the monitoring points indicated in *Schedule C: Control and Monitoring, Table C: Environmental Monitoring Locations*.

Level (mg/m ² /day) <small>Note 1</small>
350

Note 1: 30 day composite sample with the results expressed as mg/m²/day.



SCHEDULE C: Control & Monitoring

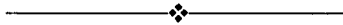
Table C: Environmental Monitoring Locations

GROUNDWATER	DUST	NOISE	SURFACE WATER
GW1 (DW3) (upgradient)	D1	N1	SW Lagoon 1
GW2 (BH1) (upgradient)	D2	N2	SW Lagoon 2
GW3 (BH2) (downgradient)	D3	N3	
GW4 (BH3) (downgradient)		N4	
GW5 (downgradient)			
GW6 (downgradient)			

Note 1: These monitoring locations may be amended with the agreement of the Agency under Condition 6.6 of this licence.

Note 2: Monitoring locations as shown on Figure No. 2.2.1 *Dust Monitoring Locations*, Figure No. 2.3.1 *Noise Monitoring Locations* and Figure No. 2.5.2 *Deep Well Groundwater Contours* of the EIS documentation. Surface Water monitoring locations from proposed settlement lagoons to be agreed by the Agency in accordance with Condition 3.3 Specified Engineering Works. Groundwater monitoring locations to be agreed by the Agency in accordance with Condition 3.14.2.

Note 3: The results of any analyses carried out on private well supplies adjacent to the facility shall be submitted to the Agency as part of the AER.



C.1.1. Control of Emissions to Air

There shall be no emissions to air of environmental significance.



C.1.2. Monitoring of Emissions to Air

There shall be no emissions to air of environmental significance.



C.2.1. Control of Emissions to Groundwater

There shall be no emissions to groundwater of environmental significance.



C.2.2. Monitoring of Groundwater

PARAMETER ^{Note 1}	GROUNDWATER Monitoring Frequency
Level	Quarterly
Visual Inspection	Quarterly
pH	Quarterly
Electrical Conductivity	Quarterly
Ammoniacal Nitrogen (as N)	Quarterly
Chloride	Quarterly
Sulphate	Quarterly
Dissolved Metals	Annually
Total Petroleum Hydrocarbons	Annually
Total PAH	Annually
List I/II organic substances ^{Note 2}	Annually

Note 1: All the analysis shall be carried out by a competent laboratory using standard and internationally accepted procedures.

Note 2: Samples screened for the presence of organic compounds using Gas Chromatography / Mass Spectrometry (GC/MS) or other appropriate techniques and using the list I/II Substances from EU Directive 76/464/EEC and 80/68/EEC as a guideline. Recommended analytical techniques include: volatiles (US Environmental Protection Agency method 524 or equivalent), semi-volatiles (US Environmental Protection Agency method 525 or equivalent, and pesticides (US Environmental Protection Agency method 608 or equivalent).

C.2.3. Noise Monitoring

Table C.2.3. Noise Monitoring Frequency & Technique

Parameter	Monitoring Frequency	Analysis Method/Technique
L(A) _{EQ} [30 minutes]	Annually	Standard ^{Note 1}
L(A) ₁₀ [30 minutes]	Annually	Standard ^{Note 1}
L(A) ₉₀ [30 minutes]	Annually	Standard ^{Note 1}
Frequency Analysis (1/3 Octave band analysis)	Annually	Standard ^{Note 1}

Note 1: "International Standards Organisation. ISO 1996. Acoustics – description and measurement of Environmental noise. Parts 1, 2 and 3".

C.2.4 Dust Monitoring

Table C.2.4. Dust Monitoring Frequency and Technique

Parameter	Monitoring Frequency	Analysis Method/Technique
Dust deposition (mg/m ² /day)	Bi-annually	Standard Method

C.3.1. Control & Monitoring of Emissions to Water**Emission Point Reference No:**

SW Lagoon 1 and SW Lagoon 2

Description of Treatment:

Settlement Lagoons

Control Parameter	Monitoring	Key Provisions	Analysis Method/Technique
Suspended Solids Removal	Quarterly Monitoring of Suspended Solids content at discharge point	Flow conditions, Frequent solids removal	Standard Method

**C.4.1. Control of Emissions to Sewer**

There shall be no process effluent emissions to sewer.

**C.4.2. Monitoring of Emissions to Sewer**

There shall be no process effluent emissions to sewer.

**C.5 Waste Monitoring**

Waste class	Frequency	Parameter	Method
Non-inert waste to be removed off-site for recovery/disposal	Per consignment	Basic Characterisation	Standard Method
Deposited waste ^{Note 1}	Dependent on rate of waste deposition. Maximum 120 samples per year	To be agreed	To be agreed
Other ^{Note 2}			

Note 1: A representative sample of the deposited waste shall be taken at least every 3 metres depth and 2,000m² area of fill, or at an equivalent frequency as may be agreed. Samples of the deposited waste shall be taken by trial pit or other appropriate method.

Note 2: Analytical requirements to be determined on a case by case basis.



SCHEDULE D: Specified Engineering Works

Specified Engineering Works

Installation of weighbridge and wheel wash facility.
 Installation of surface water management infrastructure (construction of settlement lagoons).
 Removal of site infrastructure.
 Any other works notified in writing by the Agency.

SCHEDULE E: Reporting

Completed reports shall be submitted to:

The Environmental Protection Agency
 Office of Environmental Enforcement
 Headquarters
 PO Box 3000
 Johnstown Castle Estate
 County Wexford

or Any other address as may be specified by the Agency

Reports are required to be forwarded as required in the licence and as may be set out below:

Report	Reporting Frequency ^{Note 1}	Report Submission Date
Annual Environment Report (AER)	Annually	By 31st March of each year.
Record of incidents	As they occur	Within five days of the incident.
Specified Engineering Works reports	As they arise	In advance of the works commencing.
Bund, tank and container integrity assessment	As they arise	Prior to the commencement of the licensed activity, and every three years thereafter as part of AER.
Licence monitoring requirements	Annually	As part of AER.
Any other monitoring/reports	As they occur	Within ten days of obtaining results.

Note 1: Unless altered at the request of the Agency.

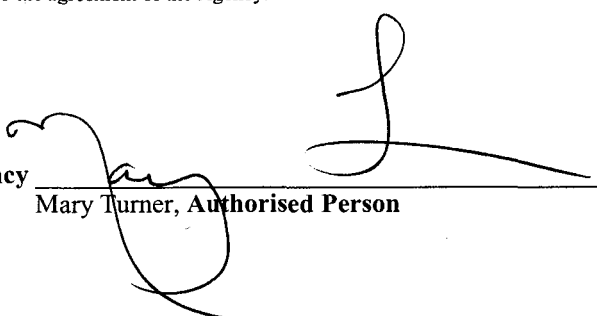
SCHEDULE F: Annual Environmental Report

Annual Environmental Report Content ^{Note 1}
<p>Emissions from the facility</p> <p>Waste management record.</p> <p>Waste Recovery Report.</p> <p>Remaining void, projected completion date.</p> <p>Resource consumption summary.</p> <p>Complaints summary.</p> <p>Schedule of Environmental Objectives and Targets.</p> <p>Environmental management programme – report for previous year.</p> <p>Environmental management programme – proposal for current year.</p> <p>Pollutant Release and Transfer Register – report for previous year.</p> <p>Pollutant Release and transfer Register – proposal for current year.</p> <p>Noise monitoring report summary.</p> <p>Dust monitoring report summary.</p> <p>Tank and pipeline testing and inspection report.</p> <p>Reported incidents summary.</p> <p>Energy efficiency audit report summary.</p> <p>Report on the assessment of the efficiency of use of raw materials in processes and the reduction in waste generated.</p> <p>Development/Infrastructural works summary (completed in previous year or prepared for current year).</p> <p>Reports on financial provision made under this licence, management and staffing structure of the facility, and a programme for public information.</p> <p>Any amendments to Closure, Restoration & Aftercare Management Plan.</p> <p>Statement of measures in relation to prevention of environmental damage and remedial actions (Environmental Liabilities).</p> <p>Environmental Liabilities Risk Assessment Review (every three years or more frequently as dictated by relevant on-site change including financial provisions).</p> <p>Any other items specified by the Agency.</p>

Note 1: Content may be revised subject to the agreement of the Agency.

Signed on behalf of the said Agency

On the 11th day of August, 2009


Mary Turner, Authorised Person